

Add the following claims:

21. The recombinant HSV of claim 1, wherein the rep polypeptide is an AAV rep78 protein.
22. The recombinant HSV of claim 1, wherein the rep polypeptide is an AAV rep68 protein.
23. The recombinant HSV of claim 1, wherein the rep polypeptide is an AAV rep62 protein.
24. The recombinant HSV of claim 1, wherein the rep polypeptide is an AAV rep40 protein.
25. The recombinant HSV of claim 1, wherein the promoter is a tissue specific promoter.
26. The recombinant HSV of claim 1, wherein the promoter is an HSV promoter.
27. The recombinant HSV of claim 1, which is replication incompetent in cells other than packaging cells.
28. The composition of claim 16, which further comprises an ITR cassette.
29. The composition of claim 28, wherein the ITR cassette is within an HSV vector.
30. The composition of claim 16 further comprising a second HSV that comprises an ITR cassette.

REMARKS

Summary of the invention

The invention concerns a recombinant HSV (claims 1-14 and 21-27), a viral stock (claim 15) and a composition comprising the recombinant HSV and a physiologically-compatible carrier (claims 16 and 28-30).

Discussion of claim amendments

Claims 17-20 are canceled, without prejudice, as being drawn to a non-elected Group, in light of the Restriction Requirement being made final.

Claims 1 and 8 are amended to refer to the construct recited therein as a "rep gene" and to more definitively state the minimal AAV sequence(s) within the rep gene. This amendment finds support in the specification, for example, on page 4, lines 1-8 and on page 5, line 29, through page 6, line 31.

Claim 2 is amended to state that the encoded rep protein is obtained from an AAV rep78, rep68, rep62, or rep40 protein. This amendment finds support in the specification, for example, on page 5, line 37, through page 6, line 15.